

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 45 (Snelson): Extending congratulations to the Angelo State University Football Team.

H.C.R. 46 (Snelson): Extending congratulations to Jim Hess.

S.R. 83 - By Andujar: Extending congratulations to Medardo Buck Barajas.

S.R. 86 - By Clower: Extending welcome to Reverend Dr. T. Wayne Robinson.

ADJOURNMENT

On motion of Senator Moore the Senate at 11:48 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

FIFTEENTH DAY

(Tuesday, February 6, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: Truan.

A quorum was announced present.

The Reverend C. B. Holcomb, North Beaton Church of Christ, Corsicana, offered the invocation as follows:

Shall we pray? Almighty God our Heavenly Father, we trust we come into Thy presence with becoming reverence because Thou art holy, thanking Thee for the abundant blessings that Thou has so richly bestowed upon us.

We're thankful for every provision that Thou hast made for our temporal welfare, for all spiritual blessings. We're thankful for this great country in which we live. We pray Thy richest blessings upon it in every way, and we thank Thee for our great State of Texas, and for the lives of these men and women who compose our Legislature who give their time and effort and energies for the highest welfare of the citizens of our state.

We pray that Thou will endow them individually and as a body with wisdom in all of their deliberations that we may be led in the way that is for our highest good.

We pray for our national government, and all the governments of the world, and may the principles that are taught in Thy word have recourse in the hearts of those who are in high places that we may be led in the way of peace throughout the whole world, and may that peace be perpetuated through all the years that are to come.

Strengthen each of us for our work of whatever kind it might be. Give us a clear vision of our duties and make us willing and ready always to accept them and discharge them faithfully. And we pray that Thou will give us a spirit of forgiveness that we may obtain the forgiveness we stand in need of. And grant, Holy Father, that Thy will may be one on earth as it is in Heaven, for Thy Name's sake, we pray in the Name of the Son. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Doggett.

REPORT OF STANDING COMMITTEE

Senator Moore submitted the following report for the Committee on State Affairs:

S.B. 259 (Amended)
S.B. 362
S.B. 363
C.S.S.J.R. 6 (Read first time)

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolutions:

H.C.R. 34
H.C.R. 40
H.C.R. 41
H.C.R. 42
H.C.R. 43
H.C.R. 45
H.C.R. 46
H.C.R. 48

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 465 by Jones of Harris	Economic Development
Relating to the reporting of information by insurance companies relative to fire losses; amending Section (A) of Article 5.46, Insurance Code; and declaring an emergency.	

- S.B. 466** by Brooks, Ogg, Mengden, Finance
Jones of Harris, Williams
Making an appropriation to the University of Houston.
- S.B. 467** by Brooks Human Resources
Relating to the responsibilities of the Texas Department of Human Resources and the Texas Youth Council for the care of certain children.
- S.B. 468** by Brooks Human Resources
Relating to contracts by the Texas Youth Council for the provision of juvenile services.
- S.B. 469** by Farabee Natural Resources
Relating to trades of public free school fund land.
- S.B. 470** by Longoria State Affairs
Relating to the expiration, staff, functions, and revenue of the Good Neighbor Commission of Texas.
- S.B. 471** by Blake State Affairs
Relating to longevity pay for certain state employees.
- S.B. 472** by Harris State Affairs
Relating to exemptions of certain alcoholic beverage permittees from the requirement of posting surety for the payment of taxes.
- S.B. 473** by Mengden Intergovernmental Relations
Relating to boundaries of justice precincts.
- S.B. 474** by Mengden, Traeger, Short State Affairs
Relating to alcoholic beverage regulations relating to age.
- S.B. 475** by Farabee Jurisprudence
Amending the Medical Liability and Insurance Improvement Act enacted by the 65th Legislature, being subchapter H, Sec. 8.05 (Article 4590i, V.A.T.S.) relating to Bad Faith Cause of Action.
- S.B. 476** by McKnight Finance
Making an appropriation to pay a claim against the state.
- S.B. 477** by Longoria Economic Development
Relating to weight and length requirements for vehicles transporting seed cotton modules.
- S.B. 478** by Harris Economic Development
Relating to the authorization for banks to use unmanned teller machines to serve the public convenience.
- S.B. 479** by Mengden Intergovernmental Relations
Relating to authorization of county and municipal law enforcement officers to assist other counties and municipalities in certain circumstances.
- S.B. 480** by Mengden Economic Development
Relating to liability insurance coverage for certain vehicles; providing penalties.

S.B. 481 by Jones of Taylor Economic Development
 Relating to regulation of funeral directors, embalmers, and funeral homes;
 providing penalties.

S.J.R. 35 by Harris Economic Development
Proposing a constitutional amendment permitting the Legislature to authorize banks to use unmanned teller machines within the county or the city of their domicile, on a shared basis, to serve the public convenience.

S.C.R. 24 by Longoria Administration
Granting C. K. Koelle, et al, permission to sue the State of Texas.

SENATE BILL 12 ON SECOND READING

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 12** be taken up for consideration at this time:

S.B. 12, Relating to the authority of the McAllen Trade Zone, Inc., to establish sub-zones; amending Section 1, Chapter 272, Acts of the 59th Legislature, Regular Session, 1965 (Article 1446.2, Vernon's Texas Civil Statutes).

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment.

SENATE BILL 12 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 12** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

SENATE BILL 49 ON SECOND READING

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 49** be taken up for consideration at this time:

S.B. 49, Relating to validation of the incorporation, boundaries, and governmental proceedings of certain cities and towns.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Mauzy.

Absent-excused: Truan.

The bill was read second time.

Senator Traeger offered the following committee amendment to the bill:

Insert the words "within three (3) or more counties", on line 10, to follow the word "town," and before the word "its".

The committee amendment was read and was adopted.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 49 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 49** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Mauzy.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Mauzy.

Absent-excused: Truan.

SENATE BILL 63 ON SECOND READING

Senator Mengden moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 63** be taken up for consideration at this time:

S.B. 63, Relating to the notation of a person's death on his or her birth certificate.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Patman.

Absent-excused: Truan.

The bill was read second time.

Senator Mengden offered the following committee amendment to the bill:

Amend SB 63 by striking the phrase, "a copy of the death certificate" in Section 1 and substituting in lieu thereof the phrase, "copies of the death certificate to the county clerk of the county in which the decedent was born and"

The committee amendment was read and was adopted.

Senator Mengden offered the following committee amendment to the bill:

Amend SB 63 by striking the last sentence of Section 2 and substituting the following in lieu thereof:

"When the State Registrar notifies the county clerk of the county in which the decedent was born and the local registrar of the district in which the decedent was born, the county clerk and the local registrar shall make a conspicuous notation on the face of the decedent's birth certificate showing that the person is dead."

The committee amendment was read and was adopted.

On motion of Senator Mengden and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 63 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 63** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Patman.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Patman.

Absent-excused: Truan.

PRESENTATION OF GUEST

The President presented to the Members of the Senate Mrs. Caroline Harrell of Hallettsville as a guest of the Senate.

COMMUNICATION FROM GOVERNOR

The following Communication from the Governor was read:

**OFFICE OF THE GOVERNOR
STATE CAPITOL
AUSTIN, TEXAS 78711**

February 5, 1979

Mrs. Betty King
Secretary of the Senate
Capitol Station
Austin, Texas

Dear Mrs. King:

I hereby recall the following name which was submitted to the Senate on January 15, 1979:

**TO BE A MEMBER OF THE PRODUCE RECOVERY FUND
BOARD:**

For a six-year term to expire January 1, 1985:

Mr. Curt Cargile
Uvalde County
Uvalde, Texas

Sincerely,

/s/William P. Clements, Jr.
Governor of Texas

Senator McKnight moved the request be granted.

There was no objection.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
February 6, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE, REGULAR
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE PRODUCE RECOVERY FUND BOARD:

For a six-year term to expire January 31, 1985:

MR. CURT CARGILE of Uvalde, Uvalde County, is replacing Mr. Henry L. Van De Walle, Sr. of San Antonio, Bexar County, whose term expired.

Respectfully submitted,

/s/William P. Clements, Jr.
Governor of Texas

COMMITTEE SUBSTITUTE SENATE BILL 116 ON SECOND READING

Senator Meier moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 116** be taken up for consideration at this time:

C.S.S.B. 116, Amending the Penal Code (Acts 1973, 63rd Leg., p. 995, ch. 399) by adding Section 31.11 relating to the criminal offense of tampering with identification markings on personal property or possession of property on which those markings have been tampered with; providing penalties; repealing Article 9014, V.T.C.S. (Acts 1971, 62nd Leg., p. 3397, ch. 1029) providing a savings clause; and declaring an emergency.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 116 ON THIRD
READING**

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.B. 116** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read third time and was passed.

SENATE BILL 154 ON SECOND READING

Senator Harris moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 154** be taken up for consideration at this time:

S.B. 154, Permitting a person who holds a package store permit to have an interest in a retail beer dealer's off-premise license at a separate location.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Traeger, Vale.

Nays: Mauzy, Short, Snelson, Williams.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Mauzy and Snelson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 154 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 154** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann,

Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Traeger, Vale.

Nays: Mauzy, Short, Snelson, Williams.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Traeger, Vale.

Nays: Mauzy, Short, Snelson, Williams.

Absent-excused: Truan.

SENATE BILL 164 ON SECOND READING

Senator Ogg moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 164** be taken up for consideration at this time:

S.B. 164, Relating to the regulation of the practice of plumbing; amending the Plumbing License Law of 1947, as amended (Article 6243-101, Vernon's Texas Civil Statutes), by amending Section 3, and adding Sections 14A and 14B; providing penalties; and declaring an emergency.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read second time.

Senator Ogg offered the following committee amendment to the bill:

Amend **S.B. 164** by striking the "." on page 2, in Section 3(c) of the law, after the phrase "to existing piping installations" and substituting in lieu thereof the following:

" ; water treatment installations, exchanges, services, or repairs."

The committee amendment was read and was adopted.

Senator Howard offered the following amendment to the bill: .

Amend **S.B. 164** by striking twenty-five thousand (25,000) on line 30 and substituting eighty thousand (80,000).

HOWARD
BLAKE

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 164 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 164** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

SENATE BILL 186 ON SECOND READING

Senator Mauzy moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 186** be taken up for consideration at this time:

S.B. 186, Relating to the compensation of the judge of the County Criminal Court of Appeals of Dallas County.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Meier.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Meier asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 186 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 186** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Meier.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Meier.

Absent-excused: Truan.

SENATE BILL 269 ON SECOND READING

Senator Santiesteban moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 269** be taken up for consideration at this time:

S.B. 269, Relating to hunting and fishing licenses for disabled residents.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Patman.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 269 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 269** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann,